

## **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 20-30 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-30 are now pending in this application.

### **Objection to the Specification**

The specification is objected to because the abstract is not in proper language and format. A new abstract is attached on a separate sheet. Withdrawal of this objection is respectfully requested.

### **Rejection under 35 U.S.C. § 112**

Claims 1, 2, 14, and 15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been amended to overcome this rejection. Withdrawal of this rejection is respectfully requested.

### **Rejection under 35 U.S.C. § 102**

Claims 1-5, 8, 14, 15, 17, and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,099,902 (hereafter "Shurman"). This rejection is respectfully traversed.

Amended claim 1 recites a metal cord that comprises at least two metal strands, said metal strands comprising twisted metal filaments, wherein at least one of said strands comprises a weld part wherein said strand is interrupted and welded together, wherein the

elongation at rupture of said strand at said weld part is at least 30% of the elongation at rupture of said strand away from said weld part.

Shurman discloses a bead 1 that is formed by a single strand of metal wire 2 that is wound in a helical configuration. See Shurman at col. 4, lines 42-48. Shurman further discloses embodiments that include two beads 36, 37 or 46, 47. See Shurman at col. 6, lines 3-6, 40-44. However, the configurations disclosed by Shurman do not include at least two metal strands that comprise twisted metal filaments, as shown in Figures 2-15. Therefore, Shurman does not disclose a metal cord that comprises “at least two metal strands, said metal strands comprising twisted metal filaments.”

Furthermore, Shurman can not disclose “a weld part wherein said strand is interrupted and welded together” because Shurman does not disclose strands “comprising twisted filaments.” Therefore, Shurman does not disclose an interrupted strand that has been welded either. Nor does Shurman disclose “a weld part wherein said strand is interrupted and welded together, wherein the elongation at rupture of said strand at said weld part is at least 30% of the elongation at rupture of said strand away from said weld part.” Shurman does not disclose, expressly or inherently, any properties for a strand “comprising twisted filaments.” Therefore, Shurman fails to disclose all of the features of amended claim 1.

For at least the reasons noted above, withdrawal of this rejection is respectfully requested.

**Rejection under 35 U.S.C. § 103**

Claims 6, 7, 9-13, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shurman. This rejection is respectfully traversed. Claims 6, 7, 9-13, and 16 depend upon claim 1. As noted above, Shurman fails to disclose all of the limitations of claim 1. Nor would it have been obvious to modify the teachings of Shurman to provide the metal cord of claim 1. One of ordinary skill would not have had a motivation to make such modifications to the teachings of Shurman. Withdrawal of this rejection is respectfully requested.

**Double Patenting**

Claims 1-19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5-17, and 19-25 of copending Application No. 10/521,409. This rejection is respectfully traversed.

Claim 1 of Application No. 10/521,409, as of the response filed on June 15, 2006, recites:

A metal strand comprising at least two filaments, wherein at least one filament is interrupted to provide at least one filament end, wherein said filament end is fixed to an uninterrupted filament of said strand using a fixing substance.

Application No. 10/521,409 regards a metal strand in which at least one filament is interrupted and fixed to an uninterrupted filament of the strand with a fixing substance. In contrast, the present application regards a metal cord comprising at least two metal strands comprising twisted metal filaments, wherein at least one of said strands comprises a weld part wherein said strand is interrupted and welded together. In other words, these applications regard the fixing or welding of different parts. While Application No. 10/521,409 regards the fixing of an interrupted filament to an uninterrupted filament of a strand, the present application regards welding an interrupted strand together. Therefore, it would not have been obvious to modify the claimed invention of either application to provide the invention claimed by the other application because of the differences between the claimed inventions. Nor does the Office provide a motivation for modifying either invention. For at least these reasons, withdrawal of this rejection is respectfully requested.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

7/11/06

By



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